



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, NOVEMBER 7, 2008
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AG
(202) 514-2007
TDD (202) 514-1888

STATEMENT OF ATTORNEY GENERAL MICHAEL B. MUKASEY ON THE RESIGNATION OF ASSISTANT ATTORNEY GENERAL THOMAS O. BARNETT

WASHINGTON — Attorney General Michael B. Mukasey issued the following statement on the resignation of Assistant Attorney General Thomas O. Barnett of the Antitrust Division:

“Tom Barnett has been an effective enforcer of the antitrust laws and a strong advocate for consumers. Under his leadership, the Antitrust Division has increased cartel enforcement to record levels with unprecedented fines and prison sentences, improved the efficiency and efficacy of its merger enforcement, and enhanced cooperation with our foreign counterparts.”

Under Barnett’s leadership, the Division obtained \$1.8 billion in criminal fines against 50 corporations and 91 individuals. The average prison sentence for incarcerated defendants charged by the Division reached an all-time high of 31 months in FY 2007 with an overall average of 23 months during Barnett’s 3 ½ years as head of the Division. Foreign executives in international cartel cases also faced longer jail sentences, averaging 12 months in FY 2007.

In the merger area, Barnett oversaw a merger program in which 34 cases were filed in district court either to block the transactions or to require divestitures to eliminate anticompetitive portions of transactions while permitting consumers to benefit from allowing the remaining portions of the transactions to proceed. Two of those cases remain in litigation. In another 14 transactions, parties either restructured deals or made divestitures after the Antitrust Division identified concerns that the transactions would harm competition. One transaction was abandoned altogether.

During his tenure, the Department filed 14 amicus curiae briefs with the U.S. Supreme Court on competition related issues. The Court consistently rendered decisions reflecting the Department’s analysis of substantive antitrust law, clarifying and updating standards to reflect modern economic and legal analysis, and thereby ensuring that the antitrust laws will better protect competition and consumers in the future.

In the civil non-merger area, the Division filed 16 cases during Barnett’s tenure, including cases to prevent both seller-side and buyer-side monopolization, cases to enforce compliance with antitrust decrees and procedures, and cases and advocacy to protect competition in the market for real estate brokerage services. In addition, 14 Division investigations resulted in companies abandoning their plans or otherwise changing their practices to eliminate competitive

concerns. The Division also devoted significant resources to improving its analysis of non-merger civil conduct and to understanding the important consumer benefits created by dynamic competition and technological innovation.

Barnett was confirmed by the Senate as Assistant Attorney General of the Antitrust Division on Feb. 10, 2006. He became acting Assistant Attorney General on June 25, 2005, and previously served as Deputy Assistant Attorney General since April 18, 2004.

Barnett's resignation is scheduled to be effective Nov. 19, 2008.

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